

Appl No. 09/917,122
Reply to Office action of September 7, 2005
Amendment mailed December 7, 2005

REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the Office Action mailed September 7, 2005. Claims 1, 2, 5-22 and 25-35 were pending and stand rejected. Accordingly, independent claims 1 and 21 have been amended as well as claims 2, 4-5, 7-8, 10-12, 15-20, 22, 25, 27, 29-31 and 34-35.

I. Claim Objections

Claims 2-3 and 11 were objected to because of minor informalities, i.e. use of non-obvious acronyms such as "RADIUS," "MS-MPPE-Send-Key," and "WEP." Accordingly claim 5 and 25 were modified to change IEEE to Institute of Electrical and Electronic Engineers, RADIUS in claims 11, 12, 30 and 31 was changed to Remote Authentication Dial-In User Service, PC in claim 16 was changed to Personal Computer, and MS-MPPE in claims 12 and 31 was changed to "MicroSoft-Microsoft Point-to-Point Encryption"

II. Rejections under 35 U.S.C. § 103

Claims 1 and 21 have been rejected as being obvious based on the combination of U.S. Patent No. 6,243,811 to Patel (hereinafter Patel), U.S. Patent No. 6,115,376 to Sherer et al. (hereinafter Sherer) and U.S. Patent Application Publication No. 2002/0087882 to Shneier et al. (hereinafter Schneier). Claims 7, 11-13, 17 and 30-33 stand rejected as being obvious based on the combination of Patel, Sherer, Schneier and U.S. Patent Application Publication No. 2002/0174335 to Zhang et al. (hereinafter Zhang). Claim 18 stands rejected as being obvious based on the combination of Patel, Sherer, Schneier and U.S. Patent No. 6,728,782 to D'Souza et al. (hereinafter D'Souza).

Independent claim 1 as now amended, recites a method for detecting a rogue access point by a client. The method comprising the steps of directing a packet from the client to a network through a first access point, receiving a network response packet by the client from the access point, and determining that the first access point is a rogue access point based on the network response packet received from the first access point in being in nonconformity with predetermined expectations. Furthermore, the method recites authenticating the client through a valid access point to the network and reporting the first access point as a rogue access point to the network through the valid access point. Independent claim 21 recites a client configured to

Appl No. 09/917,122
Reply to Office action of September 7, 2005
Amendment mailed December 7, 2005

perform the method. An aspect of the invention as recited by claims 1 and 21 is that a client determines that an access point is a rogue access point and upon a subsequent authentication with a valid access point for the network, the client reports the rogue access point. All of the steps are performed by the client.

Patel, performs a mutual authentication between a mobile unit, VLR and AC/HLR). However, unlike the present invention, Patel does not report a rogue access point (or VLR) to the network after it has subsequently authenticated with a valid access point. Scherer teaches authenticating through valid access point to a network, but like Patel does not report a rogue access point to the network after it has subsequently authenticated with a valid access point. The examiner relies on Schneier (paragraph 0061) for teaching reporting of the rogue access point through the valid access point and that Schneier sends alerts to service personnel (paragraph 0063). However, Schneier does not teach reporting the rogue access point by a client that has subsequently attached to the network via a valid access point. In fact the reporting in Schneier is not performed by a client, but by SOCRATES (an acronym for Secure Operations Center Responsive Analyst Technical Expertise System) which is located at the Secure Operations Center (See Fig. 1) and receives data from devices coupled to Customer Network (1000). There is no teaching anywhere in Schneier that any device coupled to Customer Network 1000 receives a report of a rogue AP from a client, nor is there any teaching in Schneier of a client that after detecting a rogue AP authenticates with a valid AP and reports the rogue AP through the valid AP to SOCRATES or any other device on the network.

Thus for the reasons just set forth, neither Patel, Scherer and Schneier when taken alone or in combination teach, suggest or show the present invention as now claimed. The aforementioned deficiencies in Patel, Scherer and Schneier are not remedied by any teaching of and D'Souza, Zhang and/or Ayyargi, which the examiner relies on for teaching other claim elements. Claims 2 and 5-20 are directly dependent from claim 1 and therefore contain each and every element of claim 1. Thus, for the reasons already set forth for claim 1, claims 2 and 5-20 are also not obvious based on the cited prior art. Claims 22 and 25-35 are directly dependent from claim 21 and therefore contain each and every element of claim 21. Thus, for the reasons already set forth for claim 21, claims 22 and 25-35 are also not obvious based on the cited prior art.

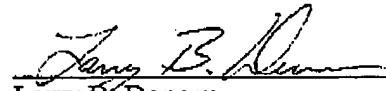
Appl No. 09/917,122
Reply to Office action of September 7, 2005
Amendment mailed December 7, 2005

III. Conclusion

For the reasons set forth above, the claims of the present invention as now amended are not obvious based on the cited prior art. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255-05451.

Respectfully submitted,
TUCKER ELLIS & WEST LLP

Date: December 7, 2005


Larry B. Donovan
Registration No. 47,230
1150 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1475
Customer No. 23380
(216) 696-3864 (phone)
(216) 592-5009 (fax)